

On September 30, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal or destroyed if such sale could not be speedily effected.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10837. Adulteration and misbranding of sauerkraut. U. S. v. 71 Cases of Sauerkraut. Consent decree of condemnation and forfeiture. Goods ordered released on bond. (F. & D. No. 16057. I. S. No. 939-t. S. No. C-3432.)

On February 20, 1922, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 71 cases of sauerkraut, remaining unsold in the original unbroken packages at Louisville, Ky., consigned by the New Albany Canning Corp., New Albany, Ind., on or about February 1, 1922, alleging that the article had been transported in interstate commerce from the State of Indiana into the State of Kentucky, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Indiana Home Brand Sauer Kraut * * * Packed by New Albany Canning Corp. (Incorporated) New Albany, Ind."

Adulteration of the article was alleged in the libel for the reason that excessive brine or liquor had been mixed and packed therewith and substituted wholly or in part for the article.

Misbranding was alleged for the reason that the statement, "Sauer Kraut," was false and misleading and deceived and misled the purchaser, and for the further reason that said article was an imitation of, and was offered for sale under the distinctive name of, another article.

On April 11, 1922, the said New Albany Canning Corp., claimant, having appeared for the property and the matter having come on for hearing before the court, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be released to said claimant upon the payment of the cost of the proceeding and the execution of bond, in conformity with section 10 of the act, conditioned in part that the claimant rebrand and correctly label the product so as to show its true nature and character.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10838. Adulteration of eggs. U. S. v. Golden & Co., a Corporation. Collateral of \$50 forfeited. (F. & D. No. 16216. I. S. No. 17010-t.)

On July 11, 1922, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the said District an information against Golden & Co., a corporation, Washington, D. C., alleging that said company on December 29, 1921, did offer for sale and sell within the District of Columbia a quantity of shell eggs which were adulterated in violation of the Food and Drugs Act.

Examination by the Bureau of Chemistry of this department of a sample of the article, consisting of 1,260 eggs, showed the presence of 133 bad eggs, or 10.5 per cent, consisting of black rots, mixed or white rots, moldy eggs, and spot rots.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed and putrid animal substance.

On July 11, 1922, the case having come on for hearing and the defendant company having failed to appear, the \$50 that had been deposited by it as collateral to insure its appearance was ordered forfeited by the court.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10839. Adulteration of oranges. U. S. v. 396 Boxes, et al, of Oranges. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 16357, 16365. I. S. Nos. 3923-t, 3925-t. S. Nos. C-3512, C-3632.)

On or about March 25 and May 1, 1922, respectively, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 792 boxes of oranges, remaining unsold in the original unbroken packages at Oklahoma City, Okla.,

alleging that the article had been shipped by the Randolph Marketing Co., in part from Upland, Calif., and in part from Highland, Calif., on or about March 16 and April 20, 1922, respectively, and transported from the State of California into the State of Oklahoma, and charging adulteration in violation of the Food and Drugs Act. The article was labeled variously, in part: "Randolph Special, Fancy Washington Navel;" "Geranium Brand, Washington Navels;" and "Coral Brand Washington Navels Grown and Packed by West Highland Citrus Association, Highland, * * * California."

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a decomposed vegetable substance.

On March 27 and May 2, 1922, respectively, the Randolph Marketing Co., claimant, having admitted the allegations of the libels and consented to the entry of decrees for the condemnation and forfeiture of the property, judgments were entered declaring the product to be adulterated, and it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$4,000, in conformity with section 10 of the act, conditioned in part that it be salvaged under the supervision of this department, the bad portion destroyed and the good portion delivered to the said claimant without condition.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10840. Misbranding of 2 over 3. U. S. v. Frank C. Boving. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 14552. I. S. No. 9140-r.)

On June 21, 1921, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against F. C. Boving, Hot Springs, Ark., alleging shipment by said defendant in violation of the Food and Drugs Act, as amended, on or about July 3, 1920, from the State of Arkansas into the State of Illinois, of a quantity of 2 over 3 which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of crude oil containing small quantities of gasoline and kerosene.

Misbranding of the article was alleged in substance in the information for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects thereof, appearing on the labels of the bottles in which the article was contained, falsely and fraudulently represented to the purchaser thereof that the article was effective as a treatment, remedy, and cure for eczema, psoriasis, rheumatism, catarrh, piles, goitre, dandruff, cancer, barber's itch, tetter, granulated eyelids, old sores, neuralgia, scabby, scaly skin, stiff joints, falling hair, cuts, sprains, and sore throat, when, in truth and in fact, it was not.

On July 15, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10841. Adulteration and misbranding of prepared mustard. U. S. v. 27 One-Gallon Bottles of Prepared Mustard. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14802. I. S. No. 5231-r. S. No. W-912.)

On April 16, 1921, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 27 one-gallon bottles of prepared mustard, remaining in the original unbroken packages at Salt Lake City, alleging that the article had been shipped on or about October 23, 1920, by the Bayle Food Products Co., St. Louis, Mo., and transported from the State of Missouri into the State of Utah, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Prepared Mustard * * * Bayle Food Products Co. St. Louis. Bayle Quality Prepared Mustard."

Adulteration of the article was alleged in the libel for the reason that it contained mustard hulls, which had been mixed and packed with and substituted wholly or in part for the pure article.

Misbranding was alleged for the reason that the labeling on the product was false and misleading in that it designated the contents of the bottles as prepared mustard seed, vinegar, and condiments, and flavored with turmeric, when, in truth and in fact, the article was colored in a manner whereby its